

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GABRIELLA SULLIVAN et al.,

Plaintiffs,

v.

BOB FERGUSON et al.,

Defendants.

CASE NO. 3:22-cv-05403-DGE

ORDER TO SHOW CAUSE

This matter comes before the Court on its own motion pursuant to Fed. R. Evid. 706(a). The Supreme Court in *Bruen* has directed “when the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. To justify its regulation . . . the government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2126 (2022). Courts, in turn, must “assess whether modern firearms regulations are consistent with the Second Amendment’s text and historical understanding.” *Id.* at 2131.

1 The parties are hereby ORDERED to show cause within 28 days of the issuance of this
2 order why the Court should not appoint its own expert witness to assist the Court in evaluating
3 historical sources in this matter to avoid “cherry-pick[ing]” the historical record. *See United*
4 *States v. Bullock*, No. 3:18-CR-165-CWR-FKB, 2022 WL 16649175, at *2 (S.D. Miss. Oct. 27,
5 2022) (noting that “[t]his Court is not a trained historian” and that there is a “serious disconnect
6 between the legal and historical communities” as to firearms history); *see also Baird v. Bonta*,
7 No. 2:19-CV-00617-KJM-AC, 2022 WL 17542432, at *9 (E.D. Cal. Dec. 8, 2022).

8 Dated this 9th day of January, 2023.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24



David G. Estudillo
United States District Judge